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May 12, 2022

BY ECF

Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas St.
White Plains, NY 10601

Counsel for Petitioner shall update the Court by 7/12/22. Taylor presumably will have been decided. If Petitioner is going to pursue the application, the update shall include a proposed, and hopefully agreed-upon, briefing schedule

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

Re: **United States v. Jose Rivera, 12 Cr. 169 (CS)**
Jose Rivera v. United States, 16 Cv. 4983 (CS)

Dear Judge Seibel,

5/13/22

I write to provide an update regarding Mr. Rivera's pending motion under 28 U.S.C. § 2255 based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). This Court has granted our requests to continue to stay his petition until the Supreme Court's disposition of *United States v. Taylor*, No. 20-1459, 2021 WL 2742792, at *1 (U.S. July 2, 2021). See Dkt. Nos. 32, 34, 36.¹ As noted in our previous letter motions, we anticipate that *Taylor* will resolve the split among the Circuits regarding whether attempted Hobbs Act robbery is a crime of violence for the purpose of 18 U.S.C. § 924(c). See *id.*

The Court directed defense counsel to provide a status update today. See Dkt. No. 36. As of this writing, *Taylor* still has not been decided by the Supreme Court. It was argued on December 7, 2021,² but no opinion has been issued to date. Therefore, we ask that the instant stay be continued and that we be permitted to update the Court in 60 days.

Thank you for your consideration.

Respectfully submitted,
/s/
Sylvie Levine
Assistant Federal Defender

¹ The docket citations correspond to the criminal case number, 12 Cr. 169 (CS).

² See Supreme Court Website, available at <https://www.supremecourt.gov/docket/docketfiles/html/public/20-1459.html> (last visited 5/12/22).